App. F. IX-4

*Previous References.* 1943-44 War)

W File No. 14-43
Serial Nos. 16 & 17

*Later References.*
W 75-44-1 to 3

P 6

# GENERAL AND REVENUE SECRETARIAT

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*Serial Nos.* Two only

**Part B for** July 1944

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**SUBJECT**

Essential Services (Maintenance) Ordinance & its application in cases of strikes.

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O.M. Krishnan
17.8.44.

2948/W

Essential Services (Maintenance) Ordinance Strikes

Continuation Sheet. W File No. / Current No. 14 of 43-44 Page.

16. From The Secy to Govt Home & Revenue Dept No F. 242/W 8 13th Jun. 44 forwg for information & other facts a copy of Labour Dept letter 8 15th May 44 & all Provincial facts.

The file relating to the Amendment to the Essential Services (Maintenance) Act is said to be not traceable in the Legis Section. The present Labour Dept letter explains the scope of the amendments. A copy of the letter will be sent to the Labour Commr, I.G.P. & D.Cs for information and guidance, if any. Subs for perusal & orders.

15459

CHIEF SECRETARY. 27. JUN. 1944 GOVT. OF MYSORE.

Yes

27/6

Secy

Yes - Issue & submit.

29/6/44

Subs with a draft to the Commr of Labour. C.S.P. & D.Cs

Secy

17.

17. Issued No. WS-18 d 3rd July 44 to the Commr of Labour, I.G.P. & D. Mys.

Received for Govt

Secy

4/7.

Min Edn

12/7/44

WD 06260—GPB—500 pads of 100 sheets each—20-3-42

I SE 1 JULY 1944 SECTT.

CHIEF SECRETARY. 4 JUL. 1944 GOVT. OF MYSORE.

13/7/44

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664/W 14-43-16. 2948/W CONFIDENTIAL.

No.F.2-42/W.

From The Secretary to the Hon'ble the Resident in Mysore.

To The Chief Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore.

Dated Bangalore, the 13th June 1944.

ESSENTIAL SERVICES (MAINTENANCE) ORDINANCE, 1941 - STRIKES.

.....

Sir,

I am directed to refer to my letter No.F.2-42/W, dated the 7th February 1942, and to forward for the information of the Government of Mysore a copy of a letter from the Government of India, Department of Labour to all Provincial Governments, No.LR.72/311, dated the 15th May 1944.

I have the honour to be, Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

13 JUN 1944 GOVT. OF MYSORE.

MAP:

CONFIDENTIAL.

No.L.R. 72/311.

Government of India.
Department of Labour.
Dated New Delhi, the 15th May 1944.

From

P.K. Pushparaj, Esquire, Under Secy. to the Government of India.

To

All Provincial Governments.

Subject:- Essential Services (Maintenance) Ordinance:- Strikes.

....

Section 5(b) of the Essential Services (Maintenance) Ordinance lays down that any person engaged in any employment or class of employment to which the Ordinance applies who, without reasonable excuse abandons such employment or absents himself from work, is guilty of an offence under the Ordinance.

2. Recently the question arose whether a strike in an employment to which the Ordinance applies would be illegal by virtue of this provision irrespective of whether the notice prescribed under the Defence of India Rule 81A has been given or not. The question whether a person abandoning an employment to which the Ordinance applies has a reasonable excuse within the meaning of section 5(b) for doing so, is no doubt a question of mixed fact and law which is not susceptible of authoritative decision otherwise than judicially on actual prosecution. The Government of India, however, consider it likely that the Courts would hold that persons participating in a strike had a reasonable excuse, with reference to section 5(b) of the Ordinance, for absenting themselves from work provided there was a bona fide trade dispute and the strike was not illegal otherwise.

Sd/- P.K. Pushparaj,
Under Secretary to the Government of India.

/copy/

Appendix F. G.—1]

11 copies

SUBJECT.....

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Section War

File No. 14-43

Serial No. 17

*Diary No. of letter replied to.* 2948/W.

W 8-18(Enel)

No. Commr to Labour

To I G P

D Ls 9/1943.

Su. Essential Services (Maintenance) Act. Strikes.

General and Revenue Secretariat

( )

*the* *194* .

Date of issue 3rd July 44

Signed by Mr S.K.V.

I am directed to invite reference to the Essential Services (Maintenance) (Amendment) Act 1943 (Act No XXV of 1943) and to forward for your information and guidance a copy of Govt of India, Labour Deptt letter of 15th May 44 to all Provincial Govts

Private copy

List of enclosures. (two enclosures)

Copied by 12/7/44 2nd 1/7/44

Examined by SC

I have the honour to be
Sir
Your Most Obedient Servant

For Chief Secretary to Govt

WD 04161—GPB—60,000—24-10-41

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. W8-18 General and Revenue Secretariat,

*Dated Bangalore,* 30 July 194 4.

FROM

*The Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

SIR, Essential Services (Maintenance) Act - Strikes.

I am directed to invite reference to the Essential Services (Maintenance) Act 1943 (Act No. XXV of of 1943) and to forward for your information and guidance a copy of Government of India, Labour Department letter dated the 15th May 1944 to all Provincial Governments.

I have the honour to be,
Sir,
Your most obedient servant,

For Chief Secretary to Government

Letter No.L.H.72/311 dated the 15th May 1944 from the Under Secretary to the Government of India, Labour Department, New Delhi, to all Provincial Governments.

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Essential Services (Maintenance) Ordinance — Strikes.

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Section 5(b) of the Essential Services (Maintenance) Ordinance lays down that any person engaged in any employment or class of employment to which the Ordinance applies who, without reasonable excuse abandons such employment or absents himself from work, is guilty of an offence under the Ordinance.

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"Copy."

Sivaramaya

for Chief Secretary to Government.